

U.S. Patent Application No. 10/731,420
Amendment and Reply dated July 26, 2007
In Response to Office Action dated March 26, 2007

REMARKS

Claims 24-39 are pending in this application. Claims 1-23 were previously canceled. Claims 24 and 32 are currently amended. Support for the amendments to claims 24 and 32 can be found, for example, in the present application at least in Figs 1, 3, 5, and 7-9, and at page 3, lines 7-30. Continued examination and favorable reconsideration are respectfully requested.

Rejection of the Claims under 35 U.S.C. § 112, Second Paragraph

At page 2, item 3, of the Office Action, claims 24-39 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For the reasons set forth herein, Applicants respectfully traverse this rejection.

Applicants have amended claims 24 and 32 to even more particularly point out the nature of the claimed invention and to obviate the Examiner's rejection. Proper antecedent bases have been provided throughout the claims. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Rejection of the Claims under 35 U.S.C. § 102

At page 3, item 7, of the Office Action, claims 24-30, 33, and 35-38 are rejected under 35 U.S.C. §102(b), as being allegedly anticipated by Place et al. (U.S. Patent No. 4,715,943). For the reasons set forth herein, Applicants respectfully traverse this rejection.

Applicants respectfully submit that Place et al. does not teach or suggest the presently claimed invention. In particular, Applicants point out that Place et al. does not teach or suggest a first chamber and a second chamber, as presently claimed. Applicants' silence on the other aspects

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of the teachings of Place et al does not necessarily indicate agreement with Examiner's characterization of that reference. Place et al. describes four electrophoretic channels, each of which are in direct fluid communication with a singular annular compartment 40b. See Fig. 5 and Col. 6, lines 24-54 ("...one end 16 of *each* channel is in contact with the electrolyte of the compartment 40b") (emphasis added). Accordingly, Place et al., does not teach or suggest at least, "a first chamber that is linked by a first passageway to a first of the plurality of electrophoretic channels, and a second chamber that is linked by a second passageway to a second of the plurality of electrophoretic channels." as recited in amended claim 24. At least for these reasons, Place et al. fails to teach or suggest the presently claimed analytical system. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of the Claims under 35 U.S.C. § 103(a)

At page 6, item 11, of the Office Action, claims 31 and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Place et al. (U.S. Patent No. 4,715,943) in view of Chan (U.S. Patent No. 4,973,168). For the reasons set forth herein, Applicants respectfully traverse this rejection.

Applicants respectfully submit that Place et al. fails to teach or suggest the presently claimed analytical system for at least the reasons set forth above. Chan fails to overcome the above-noted deficiencies in Place et al. Chan, like Place et al., also fails to teach or suggest a first chamber that is linked by a first passageway to a first of a plurality of electrophoretic channels and a second chamber that is linked by a second passageway to a second of a plurality of electrophoretic channels, as recited in the present claims. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

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At page 7, item 12, of the Office Action, claim 34 is rejected under 35 U.S.C. §103(a) as being unpatentable over Place et al. (U.S. Patent No. 4,715,943) in view of Mian et al. (U.S. Patent No. 6,319,469). For the reasons set forth herein, Applicants respectfully traverse this rejection.

Applicants respectfully submit that Place et al. fails to teach or suggest the presently claimed analytical system for at least the reasons set forth above. Mian et al. fails to overcome the above-noted deficiencies in Place et al. Mian et al., like Place et al., fails to teach or suggest a first chamber that is linked by a first passageway to a first of a plurality of electrophoretic channels and a second chamber that is linked by a second passageway to a second of a plurality of electrophoretic channels, as recited in the present claims. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

At page 8, item 13, of the Office Action, claim 39 is rejected under 35 U.S.C. §103(a) as being unpatentable over Place et al. (U.S. Patent No. 4,715,943) in view of Stewart (U.S. Patent No. 5,313,129). For the reasons set forth herein, Applicants respectfully traverse this rejection.

Applicants respectfully submit that Place et al. fails to teach or suggest the presently claimed analytical system for at least the reasons set forth above. Stewart fails to overcome the above-noted deficiencies in Place et al. Stewart, like Place et al., fails to teach or suggest a first chamber that is linked by a first passageway to a first of a plurality of electrophoretic channels and a second chamber that is linked by a second passageway to a second of a plurality of electrophoretic channels, as recited in the present claims. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of the Claims on the Grounds of Nonstatutory Double Patenting

At page 9, item 15, of the Office Action, claims 24-39 are rejected on the grounds of

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Nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,660,147.

Attached hereto is a terminal disclaimer disclaiming the term of any patent to issue on the present application that would otherwise extend beyond the term of U.S. Patent No. 6,660,147. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

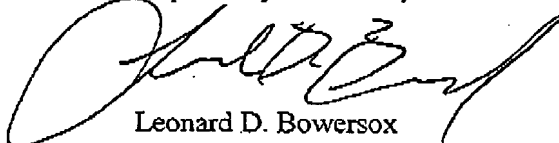
CONCLUSION

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration of the present application and a timely allowance of the pending claims.

Should the Examiner deem that any further action by Applicants or Applicants' undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

If there are any other fees due in connection with the filing of this response, please charge the fees to deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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